IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.Rev.Pet.No. 286 of 2000()

CC.957/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TALIPARAMBA DT.7.12.99
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REVN. PETITIONER: COMPLAINANT

K.A.ELIKUTTY, D/O. AUGUSTHY,
AGED 58 YEARS, KATHOLIL HOUSE,
ERUVESSY AMSOM, THROUGH THE
POWER OF ATTORNEY, AUGUSTINE THOMAS,
S/O.THOMAS, AGED 34 YEARS,
KAITHOLIL HOUSE, ERUVESSY AMSOM
P.O. KAYALAMPARA.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: ACCUSED AND STATE
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1. **A.C.UDESH, S/O. BHASKARAN,**
ARIPPU CHEENANKANDI, JENMI HOUSE,
THEKKI BAZAR, KANNUR – 2.

2. **STATE OF KERALA, REP.BY**
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.286 OF 2000

DATED THIS THE 10th DAY OF July 2007

JUDGMENT

The revision petitioner is the complainant in C.C.No. 957/1996 in the file of the Judicial Magistrate of First Class, Taliparamba with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the revision petitioner that on the particular day, he happened to be absent on account of unavoidable circumstances and application to excuse his absence was filed.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 9-8-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.R.P.NO.286 of 2000

ORDER

10-7-2007

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